

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Mandy Burghy,

Plaintiff,

:

Case No. 3:08-cv-86

- vs -

:

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

Dayton Racquet Club, Inc., et al.

:

Defendants.

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #14), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss for Lack of Prosecution is DENIED.

March 25, 2009



Walter Herbert Rice
United States District Judge